



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/783,066

02/20/2004

John D. LeaSure

30644-xx

6299

7590 08/07/2007
Joseph T. Guy, Ph.D.
Nexsen Pruet Adams Kleemeier, LLC
PO Drawer 10648
Greenville, SC 29603-0648

EXAMINER

BERGIN, JAMES S

ART UNIT

PAPER NUMBER

3641

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 3641

1. The reply filed on 5/16/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s). The applicant has not clearly elected **Species 2**, the embodiment wherein the binder comprises a first resin comprising linear chains of rigid polyamide interspersed with flexible polyether segments, the binder further comprising a second resin. The response filed 5/16/2007 does not specifically mention that **Species 2** has been elected, the embodiment comprising a second resin in addition to the first resin comprising linear chains of rigid polyamide segments interspersed with flexible polyether segments. The response refers to the election of **subspecies 2A** (the second resin comprising nylon) and **subspecies B18** (the ballast comprising cupronickel). It is noted that the claims drawn to the non-elected species and sub-species, have not yet been withdrawn by the applicant. The applicant is asked to formally withdraw the claims drawn to the non-elected species and subspecies in response to the communication and clearly mark each claim with the appropriate claim identifier (Withdrawn). As a guide to the applicant, it is noted that any claim that does not include a second resin in addition to the first resin is not properly drawn to the elected species 2 and would not be commensurate in scope with the elected embodiment of species 2 (112 1st paragraph) and would not be consistent with 112 2nd paragraph because it would not include all the essential elements of the elected species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in

order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James S. Bergin
Primary Examiner
Art Unit 3641

/James S. Bergin/
Primary Examiner, Art Unit 3641